

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

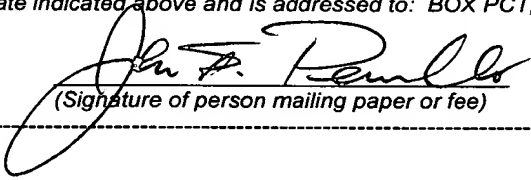
APPLICANT: Roger Howard Meek and David Evans
SERIAL NO.: 09/720,309
FILED: December 22, 2000
INT'L. APPLN. NO.: PCT/EP99/04421
INT'L. APPLN. DATE: June 25, 1999
PRIORITY DATE: June 25, 1998
FOR: MEDICAL DEVICE WITH ELASTOMERIC BULB

Express Mail mailing label number EL892263339US

Date of Deposit October 29, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: BOX PCT, Commissioner for Patents, Washington, DC 20231.

John F. Perullo
(Typed or printed name of person mailing paper or fee)


(Signature of person mailing paper or fee)

BOX PCT
COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

Attention: PCT Legal Office

PETITION UNDER 37 CFR §1.182

Sir:

Applicant hereby petitions the PCT Legal Office to accept correction of several national stage papers filed in connection with the above-identified application. Correction of those papers is required due to an inadvertent error on the part of the applicant's representative in identifying the priority document international application number. This petition corresponds with the explanation of circumstances surrounding the error filed by the applicant on May 8, 2001, the body of which is presented again below. This petition is in response to the communication received from the PCT Legal Office dated August 31, 2000 instructing applicant to file a formal petition under Rule 37 CFR §1.182 to explain the circumstances surrounding the error.

The priority document upon which the present application relies is correctly identified as PCT/EP99/ 04421, not PCT/EP00/04421 as was erroneously identified

in applicants' original request for application under 35 U.S.C. §371. The misidentification of the priority document resulted from an inadvertent clerical error by applicants' representative. The error was made without deceptive intent. The erroneous priority document number also appeared on subsequent filings because those documents were prepared using the information (not yet known to be erroneous) from the original filing. Those documents are:

1. Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 with accompanying Preliminary Amendment Pursuant to 37 CFR §1.121; and
2. Transmittal Letter to BOX PCT, including (a) Response; (b) Petition for One Month Extension of Time; and (c) Information Disclosure Statement.

However, the following documents were not created from the erroneous original filing and correctly identified the priority document:

1. the executed Declaration of the inventors and
2. the assignment document (sent to Box Assignment).

Applicants' representative did not become aware of the error in identifying the priority document until the notification of a defective response (mailed 04/24/01) was received.

The correct priority document (PCT/EP99/04421) previously has been transmitted to the USPTO and is in the English language. It appears that the incorrectly cited priority document (PCT/EP00/04421) may be in a foreign language, resulting in the present confusion regarding the necessity for a translation of that document. Now with the citation to the correct priority document, it will be seen that no translation is needed.

As soon as applicant's representatives became aware of their error, the PCT Legal Office was contacted to determine the necessary corrective action. The foregoing circumstances were discussed in a telephone conference between applicants' undersigned representative and Ms. Pat Booker of the PCT Legal Office on May 4, 2001. Ms. Booker advised applicant's representative to file a paper with

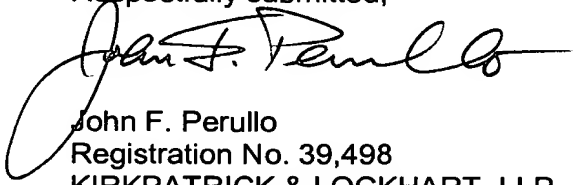
the PCT Legal Office explaining the circumstances and requesting correction of the priority document number. Those instructions resulted in applicant's May 8, 2001 communication with the PCT Legal Office. The PCT Legal Office's communication dated August 31, 2001 now prompts applicant to file this petition.

Please enter the corrected priority document number in the application file so that prosecution may proceed. If any further documentation or explanation is required regarding the applicants' error described above, applicants' representative may be contacted by telephone at the number provided below.

Also, although not a subject of the Patent Office communication regarding missing requirements, applicants have noticed that the request for the national stage application under 35 U.S.C. §371 erroneously identified the corporate assignee of the invention, C. R. Bard, Inc. (applicant for the PCT application in all designated states except the U.S.) rather than the inventors, Roger Howard Meek and David Evans, who are properly named as applicants in the U.S. application. Please correct the present application to identify the inventors, Roger Howard Meek and David Evans, as the applicants.

Please charge our deposit account No. 50-1721 for any required fee. A copy of the Notification of Defective Response is also enclosed.

Respectfully submitted,



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Docket No.: A0008/7004
Date: 29 October 2001